

REMARKS

This response is intended as a full and complete response to the final Office Action mailed March 6, 2008. Claims 1-33 are pending, of which claims 5-9 and 15-20 are withdrawn from consideration, and claims 1-4, 10-14 and 21-33 are rejected.

In view of the following discussion, Applicants believe that all of the claims are allowable. It is to be understood that Applicants do not acquiesce to the Examiner's characterizations of the art of record or to Applicants' subject matter recited in the pending claims. Further, Applicants are not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant response.

REJECTION UNDER 35 U.S.C. §102

The Examiner rejected claims 1-4, 10-14 and 21-33 under 35 U.S.C. §102(b) as being anticipated by Radha et al. (6,806,909, hereinafter "Radha"). Applicants respectfully traverse the rejection.

Anticipation requires the presence in a single prior art disclosure of each and every element of the claimed invention, arranged as in the claim. The Radha reference fails to disclose each and every element of the claimed invention, as arranged in independent claim 1 or claim 10.

Claim 1

Regarding claim 1, in response to Applicants' arguments filed 12/19/07, the Examiner cited col. 5, lines 29-31 of Radha as teaching a method for splicing MPEG-2 multimedia programs in the same or different data streams; and col. 5, lines 55-59, col. 7, lines 51-55, col. 10, lines 7-27 and col. 15, line 42 - col. 16, line 63 for teaching "transitioning seamlessly from a first video stream to the second video have the same PID value (time value)", and "seamless transition takes place if the first video PID value (time value) is equal to the second video PID value (time value)" (p. 2, Final Office Action).

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Applicants disagree with this interpretation of Radha, and in particular, with the interpretation that a PID value is the same as a "time value".

Specifically, a PID (packet identifier) is used for identifying an elementary stream in a MPEG transport stream. One skilled in the art would understand that there is no connection between the PID value of a stream and any "time value".

In connection with splicing component of a second program to that of a first program, Radha teaches, in col. 5, lines 55-59 that:

"the presentation times in the second program are changed so that the first presented portion of the first component of the second program has a begin-presentation time which is the same as the end-presentation time of the last presented component of the first program."

Col. 7, lines 51-55 also teaches a splicer for performing the above function.

Even though Radha teaches that the begin-presentation time and the end-presentation time of two components of the first and second programs are the same, it does not follow that these components of the respective programs will have the same PID value, because the PID value is not related to the begin- or end- presentation times.

Other sections of Radha cited on p. 2 of the Final Office Action relate to the input and output streams of a digital play-to-air (PTA) switcher with respective video and audio splice points (col. 10, lines 7-27), and details of various steps for splicing out an old program and splicing in a new program in a data stream (col. 15, line 42 - col. 16, line 63). These steps may include the selection of video or audio splice-in and splice-out points, whether there is a need to skip video or audio frames, etc.

Even though Radha teaches the seamless splicing of a first and second encoded data streams for a first and a second program, there is no teaching or suggestion in these cited sections that the second video stream has the same PID value as that of the first video stream, as provided in Applicants' claim 1.

On p. 4 of the Office Action, the Examiner further cited col. 18, line 51 - col. 19, line 30, line 31 - col. 20, line 41 and col. 21, lines 1-41, as allegedly teaching the feature of: "transitioning in an immediate and smooth manner to the second video stream having the same PID value; and serving the second video stream."

Applicants disagree.

All that Radha teaches in these cited sections are functions of various components in the splicer of Fig. 10 (col. 18, line 51 - col. 20, line 41) and components in the decoder of Fig. 11 (col. 21, lines 1-41). Again, there is no support for the Examiner's conclusion that the second video stream has the same PID value as that of the first video stream, as provided in Applicants' claim 1.

As such, Applicants submit that claim 1 is not anticipated by Radha, and is patentable under 35 U.S.C. 102(b).

Claim 10

Independent claim 10 recites, in part: "wherein the first video stream has associated with it a plurality of transition points each comprising a beginning of a stripe section of a storage drive in a storage array."

In response to Applicants' arguments of 12/19/07 and on p. 4 of the Final Office Action), the Examiner cited col. 17, lines 22-47; etc., for teaching "... pack the data stream into disks blocks and ... groups of blocks are striped within the HDS..." and "... reading or writing all the files in all the HDSs..." and that the HDS contains redundant arrays of inexpensive disks. The Examiner concludes that such teaching anticipates Applicants' claim 10.

Applicants respectfully disagree. Applicants fail to see where Radha teaches any transition points (referred to as splice-in or splice-out points in Radha) being related to specific locations of a stripe section, or comprising a beginning of a stripe section of a storage device, as provided in claim 10.

Instead, the only section in Radha that teaches data storage by striping across storage systems is col. 17, lines 22-36: "[d]uring storage, input and/or output (I/O) units (IOSs) 243-250 pack the data stream into disk blocks. Groups of the disk blocks are striped across hard drive systems (HDSs) 251-260 by commutator 261. Each HDS includes one or more redundant arrays of inexpensive disks (RAID) and each RAID includes 2 to 14 hard drives across which the groups of blocks are striped within the HDS. Thus, each IOU has continuous access for reading or writing all the files in all the HDSs" (col. 17, lines 33).

However, these relate only to the general concept of storing data by striping across a number of hard drive systems. There is no specific teaching about any transition points that include a beginning of a stripe section of a storage device, as provided in Applicants' claim 10.

The other sections col. 20, lines 13-35 and col. 21, lines 1-41, etc., relate to the splicer of Fig. 10, with various components for selecting splice-out and splice-in points, or dropping frames to prevent overflowing of video buffers, and other details relating to the decoder of Fig. 11, etc. However, there is also no teaching about the feature of transition points comprising a beginning of a stripe section of a storage device, as provided in claim 10.

As such, independent claim 10 is not anticipated by Radha, and is allowable under 35 U.S.C. §102.

Dependent claims 2-4, 11-14 and 21-33 depend, directly or indirectly, from independent claims 1 and 10, and recite additional limitations thereof. As such, and for at least the same reasons discussed above, Applicants submit that these dependent claims also are not anticipated by Radha and are allowable under 35 U.S.C. §102.

Therefore, Applicants respectfully request that the rejection be withdrawn.

THE SECONDARY REFERENCES

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to Applicants' disclosure than the primary references cited in the Office Action. Therefore, Applicants believe that a detailed discussion of the secondary references is not necessary for a full and complete response to this Office Action.

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CONCLUSION

Applicants believe that all claims presently pending in this application are in condition for allowance. If however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: _____

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